

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR 20-82 WJ

Date: April 5, 2021

Parties: USA v. Hassan Alqhatani

Courtroom Clerk: R. Garcia

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: Detention Hearing

Place of Court: Albuquerque - Zoom

Total time in Court: 1 hour and 6 minutes

Evidentiary Hearing: No

Attorneys Present for Plaintiff(s):

Paul Mysliwicz

Attorneys Present for Defendant(s):

Ahmad Assed, Joel R. Meyers. And Britany Schaffer

Proceedings:

10:50 Court in session; counsel enter appearances; Defendant present.

The Court addresses retrial of case; suggest earliest date of Monday, 5/10/21; only other closest date is 4/26/21 but, the Court has another case (Jojola) firmly set on that date and it shows no signs of pleading out; any objection to 5/10/21.

Mr. Mysliwicz notes firm trial date with Judge Vazquez on 5/17/21; not necessarily a direct conflict; but this retrial may look different and trial would take longer; not a direct conflict; but, it poses a hardship for Government.

The Court is aware of the case before Judge Vazquez; notes next trial date assigned to this Court is 7/7/21; Court can set a subsequent scheduling conference to determine counsel preference .

The Court takes-up Defendant oral motion for modification of conditions of release.

11:00 The Court moves to hearing on Defendant oral motion for release.

Mr. Assed addresses the Court and argues for release to halfway house (La Pasada); addresses recording of phone call the Government produced to defense; would object to admission of it today.

Mr. Mysliwiec responds.

11:18 The Court addresses Mr. Mysliwiec re evidence presented to Judge Fashing at original Detention hearing;
Mr. Mysliwiec responds.

11:22 Mr. Assed replies.

11:25 The Court makes note/recites findings of Judge Fashing's from the original Detention hearing; cites to
Jojola, Cause, and Malan cases; addresses length Defendant has been incarcerated; although, it notes no
analysis of any enhancements has been done; notes delay due to COVID 19; notes Robertson case; Court
denies oral motion for release to halfway house.

If the Court does not hear from counsel, it will set a scheduling conference to determine which date to go to
retrial; advises it will place a deadline for any change of plea that would have to be met in order for
Defendant to receive credit for acceptance of responsibility.

11:51 Mr. Assed addresses the Court; asks the Government to make any accommodations necessary to go to
retrial on 5/10/21, especially in light of the Court's ruling on release.

11:53 The Court addresses Mr. Mysliwiec re Government's ability to accommodate a May 10, 2021 trial; notes
Court is leaning heavily toward the 5/10/21 date; Court will give counsel a couple of days to consider.

11:56 Court in recess.